

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 15,553
)	
Appeal of)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare refusing to refund her any part of a \$20 premium the petitioner paid for Health benefits under VHAP for which she was subsequently found ineligible. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner was initially found eligible for VHAP coverage in November, 1997. In February, 1998, she was switched to CHP for the period February through July, 1998.

Based on her income she was liable for a \$20 "premium" for this coverage.

2. The Department concedes that it does not always bill recipients of this coverage for premiums for periods that correspond to their periods of eligibility. In the petitioner's case, she initially paid a premium of \$20 for the period November, 1997, through April 30, 1998, even though her initial eligibility period expired January 31, 1998, and she was found eligible for a new six-month period (February through July, 1998) as of February 1, 1998.

3. The Department did not send her another bill for her next premium until early June, 1998. This bill was for

\$20 for the period May 1 through November 30, 1998, although the Department had not yet determined the petitioner would be eligible past July 31, 1998.

4. The petitioner promptly paid the bill, but a few days later she received notification from the Department that her eligibility for coverage would end on July 31, 1998.

5. The petitioner does not dispute the facts that led to the Department's decision of her eligibility--provided that she receive a partial refund of her premium for the months she will not be covered (August through October, 1998).

6. However, the Department refused the petitioner's request for a refund of any of the premium she paid, even though it admits that the premium the petitioner unwittingly paid included three months for which she was subsequently determined ineligible (August through October, 1998).

7. Nothing in the information provided at the hearing indicates that the Department informed the petitioner either of the discrepancy in its billing periods or the fact that a refund would not be available if her premium was paid in advance of the determination of her eligibility.

8. At the meeting of the Board on August 12, 1998, the Department represented that it had or would soon refund \$10 to the petitioner.

ORDER

The Department shall pay the petitioner a refund of \$10 for the premium she paid for coverage from August 1 through October 31, 1998, for which the Department subsequently determined her ineligible.

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